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January 11, 2018

VIA ECF

Hon. Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Hernandez v. The Fresh Diet Inc.*, 15 CV 1338 (ALC) (JLC)

Dear Judge Carter:

We represent Plaintiffs in the above-referenced action and write in response to Defendant Innovative Food Holdings, Inc.’s (“Innovative”) January 8, 2018 letter to Your Honor (Dkt. No. 134), requesting a pre-motion conference before the Court to address Innovative’s anticipated motion to dismiss the Fifth Amended Complaint.

The Harman Firm, LLP (the “Firm”), intends to move to withdraw as counsel for the two individuals (Plaintiffs Wilton Dardaine and Michael Rodriguez) at whom Innovative’s anticipated motion to dismiss is targeted, as those individuals have been uncommunicative with Plaintiffs’ counsel for a considerable amount of time. Accordingly, Plaintiffs respectfully request that the pre-motion conference requested in Innovative’s January 8, 2018 letter be postponed so that the Firm may move to withdraw as counsel for Plaintiffs Dardaine and Rodriguez and—if the Firm’s motion to withdraw is granted—to allow those individuals the opportunity to find new counsel.

Thank you for Your Honor’s time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: All Counsel of Record (via ECF)